

No. 25-273

In the Supreme Court of the United States

WES ALLEN, SEC'Y OF STATE, *ET AL.*,

Appellants,

v.

BOBBY SINGLETON, *ET AL.*,

Appellees.

On Appeal from the United States District Court
for the Northern District of Alabama

**SINGLETON APPELLEES' OPPOSITION TO
APPELLANTS' MOTION TO EXPEDITE CONSIDERATION OF
JURISDICTIONAL STATEMENT AND OF [APPELLANTS'] MOTION**

Appellees Senator Bobby Singleton, *et al.*, (the "Singleton Appellees") oppose Appellants' Motion to Expedite Consideration of Jurisdictional Statement and of [Appellants'] Motion (the "Motion to Expedite"). Instead, this Court is requested to either (1) grant the Singleton Appellees' Motion to Affirm or (2) order full briefing and oral argument of the merits.

In Appellants' three-page Motion to Expedite, Appellants materially misstate the record below three times:

One, Appellants falsely state that the district court “imposed a court-drawn plan with a second majority-minority district.” Motion to Expedite, p. 2; *see also id.* (“it was not possible to draw a map with two majority-black districts without splitting Mobile County.”). The district court never held that a second majority-minority district was required, and its remedial plan does **not** include two majority-black districts; instead, it provides two opportunity districts (districts a Black-preferred candidates might win, but not necessarily Black majority). App. 16. Moreover, Senator Bobby Singelton, a plaintiff below, introduced during the 2023 special session (and at trial) a race-neutral plan (the “Singleton Plan”) that kept the Gulf Coast (Baldwin and Mobile Counties) intact and had two opportunity districts. *See* Motion to Affirm, pp. 20-24. To change as few districts from Appellants’ racially discriminatory 2023 plan as possible, the district court did not adopt the Singleton Plan but did adopt the Special Master’s race-neutral plan (here, “prepared race-blind”) with two opportunity districts, one which is not majority-Black. App. 16. Therefore, this case does not present the question this Court answered in *Callais*: “whether compliance with the Voting Rights Act can indeed provide a compelling reason for race-based districting.” *Louisiana v. Callais*, No. 24-109, slip op. at 2.

Two, Appellants incorrectly assert that their “2023 map endeavored to . . . keep[] the Black Belt together ‘to the fullest extent possible’ by placing the 18 core counties in two districts and a unified Montgomery County. Milligan.App.545-46.” Motion to Expedite, p. 2. Actually, the Special Master’s Plan kept the Black Belt together as well as Appellants’ 2023 map. App. 80. Moreover, the race-neutral

Singleton Plan kept more of the core Black Belt together – 16 of 18 counties in one district, the highest number mathematically possible – with two counties in another district. Motion to Affirm, pp. 22-24. Therefore, the Singleton Plan, not Appellants’ 2023 Plan, keeps the Black Belt together to the fullest extent possible

Three, Appellants incorrectly state “that the district court’s equal protection ruling was based entirely on Alabama’s position that Section 2 did *not* require it to enact a map with two majority-black districts . . .” Motion to Expedite, p. 3 (emphasis in original). Appellants’ incorrect statement here has no record citation. Instead, the district court’s equal protection ruling carefully and thoroughly described the basis for its ruling for forty-five pages of its opinion. App. 484-529. The district court analyzed Appellants’ and Appellees’ arguments, the *Arlington Heights* factors, and other Eleventh Circuit factors, explaining why it found that Appellants “enacted a map for the purpose of discriminating against minority voters by diluting their voting strength.” *Id.* Yet, Appellants argue that “the district court’s equal protection ruling was based *entirely* on” a reason not found in the record.

In addition to the above three misstatements of the record, Appellants misleadingly quote from the district court’s opinion:

That ruling cannot be reconciled with *Callais*. Contrary to this Court’s clear direction that ‘if a §2 plaintiff cannot disentangle race from the State’s race-neutral considerations, including politics, then §2 cannot impose liability, Slip Op. 26, the district court relieved plaintiffs of that burden, reasoning that “[u]nder *controlling precedent, the [Gingle] preconditions do not require that we fully disentangle party and race.*” Milligan.App.372.

Motion to Expedite, pp. 2-3 (emphasis added). While the district court’s description of precedent would have been different if *Callais* had already been decided, the district court’s ruling does disentangle race from partisan politics. For example, in the subsection “Arguments About Party Politics,” the district court concludes that “[t]he record supports only one finding: that voting in Alabama, particularly in the districts at issue in these cases, is intensely and extremely racially polarized We cannot imagine a more comprehensive record, and we cannot imagine clearer proof.” App. 372-73; *see also id.* 523 (the district court “reject[ing] the State’s assertion that partisan goals rather than racial animus motivated the 2023 Plan”); *id.* 385 (describing Appellants’ expert Dr. Hood’s published work as “telling” the story “that race remains the dominant political influence in Southern politics today”); *id.* 390-91 (crediting Caster Appellees’ expert Dr. Palmer’s opinion “that race drives party attachments” in Alabama).

The Singleton Appellees agree with and join both the Milligan and Caster Appellees’ oppositions to the Motion to Expedite.

WHEREFORE, the Singleton Appellees respectfully request this Court (1) to deny Appellants’ Expedited Motion and (2)(a) to grant the Singleton Appellees’ Motion to Affirm or (2)(b) to order full briefing and oral argument of the merits.

Respectfully submitted,

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